AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 - EXPEDITED PROCEDURE

Serial Number: 10/051,757

Filing Date: January 16, 2002

Title:

HEARING AIDS AND METHODS AND APPARATUS FOR AUDIO FITTING THEREOF

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REMARKS

This responds to the Office Action mailed on August 24, 2006.

Claims 20-23 and 26 are amended, claims 17-19 are canceled herein, and no claims are added; as a result, claims 1-4, 9-16, and 20-35 are now pending in this application. No new matter has been added.

§102 Rejection of the Claims

Claim 17 was rejected under 35 U.S.C. § 102(e) for anticipation by Hagen et al. (US 6,888,948). Claim 17 has been amended herein to overcome this rejection.

Claims 17-19 were rejected under 35 U.S.C. § 102(b) for anticipation by Weinfurtner et al. (US 6,035,050). Claims 17-19 have been amended herein to overcome this rejection.

Allowable Subject Matter

Claims 1-4, 9-16 and 27-35 have been allowed.

Claims 20-26 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 20-23 and 26 have been rewritten in independent form. Claims 24 and 25 now depend from properly amended claim 23.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ERIC DURANT

By his Representatives,

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Date Jan. 24, 2007

Timothy E. Bianchi

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of January 2007.

CANDIS BUENDING

Name

Signature